

Message Text

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ACTION NEA-10

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FM AMEMBASSY JIDDA
TO SECSTATE WASHDC 1353
INFO AMCONSUL DHAHRAN
USLO RIYADH

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THE FOLLOWING TELEGRAM SENT ACTION JIDDA FROM
DHAHRAN ON MAR 6,1978 IS REPEATED FOR YOUR ACTION:

QUOTE

LIMITED OFFICIAL USE DHAHRAN 0303

E.O. 11652: N/A
TAGS: CGEN, PDIP, SA, US
SUBJECT: PRPOSED DRAFT OF CONSULATE CONVENTION

REF: (A) DHAHRAN 0209, (B) JIDDA 1143, (C) STATE 054151

1. AFTER A PRELIMINARY REVIEW OF DRAFT CONVENTION WE
WISH TO SUBMIT OUR COMMENTS FOR CONSOLIDATION WITH
OR RETRANSMISSION IN ADDITION TO THE EMBASSY'S. WE
BELIEVE THE CONSULAR SECTIONS OF THE DRAFT PROVIDE
A GOOD OVERALL FRAMEWORK FRO DISCUSSION WITH SAG,
ALTHOUGH OBTAINING SAUDI COMPLIANCE WITH MANY OF THE
PROVISIONS MAY PROVE QUITE DIFFICULT IN PRACTICE. A
NOTABLE OMISSION IS ANY DISCUSSION OF VISA RECIPROCITY
OR POLICY, WHICH WE STRONGLY FEEL SHOULD BE NOTED IN
ANY FINAL AGREEMENT. THE PROBLEMS OF CONSULAR ACCESS,
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NOTIFICATION,AND EXTENDET IMPRISONMENT WITHOUT CHARGES
APPEAR TO BE DIRECTLY ADDRESSED IN PROPOSED DRAFT. AS
OUR EXPEIIENCE HAS SHOWN THAT JUDICAIAL PROCEEDINGS
RARELY HAVE A COMPLETELY FAVORABLE OUTCOME FOR
EXPATRIATE DEFENDANTS HERE, THERE ARE TWO POSSIBLE
RESULTS OF A MORE FOMALIZED SYSTEM FOR ARREST AND
CHARGING AMCIT EXPATRIATE SUSPECTS; FIRST, WITH MORE

SPECIFIC KNOWLEDGE OF THE DETAILS AND CHARGES IN A CASE CONSOFFS WILL NOT CONSTANTLY RUN INTO THE BRICK WALL OF TOTAL CONFIDENTIALITY SURROUNDING POLICE MATTERS AND SHOULD BE MORE EFFECTIVE IN THEIR ASSISTANCE IN THE EARLY STAGES OF A CASE; SECOND, AN INSISTENCE UPON MORE FORMALIZED PROCEDURES COULD RESULT IN A GREATER NUMBER OF UNFAVORABLE DECISIONS BY LOCAL COURTS FACED WITH STRONG PRESSURES FOR SOME ASSESSMENT OF GUILT BY POLICE AUTHORITIES.

2. IT WOULD PERHAPS BE USEFUL TO EXAMINE A FEW POINTS WHICH MIGHT PROVE TROUBLESOM IN THE PROPOSED DRAFT. IN ARTICLE 26 (PARA 2) CONSULAR FUNCTIONS WOULD APPEAR TO BE TOO SEVERELY CURTAILED OUTSIDE THE CONSUALR DISTRICT. THIS PROVISION SHOULD BE MORE VAGUELY WORDED SO AS TO PREVENT A TOTAL LACK OF CAPABILITY ON THE PART OF CONGEN OFFICERS IN RIYADH OR JIDDA. FUNCTIONS RELATING TO OFFICIAL REPRESENTATION, DEATH, AND ESTATES APPEAR TO BE COMPLETE AND CLEARLY DELINEATED, ALTHOUGH LOCAL IMPLEMENTATION MAY PROVE A GREAT PROBLEM BECAUSE OF THE NATURE OF THE LOCAL BUREAUCRACY. IN ARTICLE 39 WE MAY WISH TO DEFINE MORE SPECIFICALLY QUOTE LIMITATIONS ON PERSONAL FREEDOM UNQUOTE BY CONSIDERING THE WITH-HOLDING OF EXIT VISAS AND/OR PASSPORTS BY LOCAL OFFICIALS IN THIS CATEGORY. PARA 5 OF THE SAME ARTICLE NOT SPECIFY A ONE MONTH PERIOD FOR VISITS TO PRISONERS, AS LIMITED OFFICIAL USE

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SUCH VISITS ON OCCASION MUST BE MADE MORE FREQUENTLY. SECTIONS OF THE DRAFT DEALING WITH SHIPPING AND SEAMEN/ CIVIL AVIATION ALSO APPEAR COMPLETE AND WELL-DEFINED.

3. IN VIEW OF OUR RECURRING PROBLEMS WITH COMMERICAL DISPUTES, WE MAY WISH TO ADD A PROVISION PROHIBITING NON-JUDICIAL AND NON-CRIMINAL DETENTION OF CITIZENS OF THE SENDING STATE (SEE 77 DHAHRNA 1330 AND 77 DHAHRAN 1437). BECAUSE OF THE SEVERE PROBLEMS EXPERIENCED BY SAG IN ITS INTRA-GOVERNMENT COMMUNICATIONS IT COULD ALSO BE USEFUL TO INCLUDE A PROVISION IN THE CONVENTION FOR THE DESSEMINATION OF THE CONVENTION TO CONCERNED AUTHORITIES IN BOTH COUNTRIES. FINALLY, WE BELIEVE THAT WE SHOULD POINT OUT OUR PROBLEMS WITH EXIT VISA PROCEDURES AND THE OFTEN VOICED CONCERN OF SAG OFFICIALS ABOUT LETTING EXPATRIATE OFFENDERS "ESCAPE" THE COUNTRY. THIS CONCERN HAS OFTEN BEEN TRNASLATED INTO LENGTHY AND FRUSTRATING INVESTIGATIVE DETENTION OF AMCITS IN THIS PROVINCE. ALTHOUGH IT MAY NOT BE APPROPRIATE WITHING THE CONTEXT OF CONSULAR CONVENTION NEGOTIATIONS, WE FEEL THAT SOME CONSIDERATION SHOULD BE GIVEN TO A LIMITED TREATY OF

EXTRADITION FOR SERIOUS CRIMINAL OFFENCES. AN
OFFER OF A LIMITED FORM OF EXTRADITION MAY GO
A LONG WAY TOWARD SOLVING PROBLEMS WITH THE EXIT VISA
REQUIREMENT AND DETENTION ON VAUGE CHARGES.

4. SOME OF THE MORE SEROOUS QUESTIONS WE HAVE ABOUT
THE DRAFT CONVENTION ARE IN THE AREA OF IMMUNITIES,
IMPORT PRIVILEGES, STATUS AND OTHER ADMIN-RELATED
PROBLEMS. WHILE THE EMBASSY IS OBVIOUSLY IN A BETTER
POSITION TO ANALYZE THESE PROBLEMS, WE WILL SNED
OUR INITIAL COMMENTS ON THE ADMIN-RELATED PROBLEMS BY
SEPTTEL.
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